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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,912	09/14/2000	Saeed Azimi	MP0043	9508

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MARVELL SEMICONDUCTOR, INC.  
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EXAMINER

KING, JUSTIN

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/661,912

Applicant(s)

AZIMI, SAEED

Examiner

Justin I. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6, 11, 16, 21, 26, 31, 36, 41, 46, 51, 56, 61, 66, 71 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki (U.S. Patent No. 6,272, 589).

Referring to claims 1, 6, 16, 21, 31, 36, 41, 46, 51, 56: Aoki discloses a data gate circuit (figure 2, structure 10) for receiving and transmitting signals, a data circuit (figure 2, structure 6), a media gate circuit (figure 2, structure 8) for receiving and transmitting data, a buffer attention circuit (figure 1, structure 51), and a mode selection circuit (figure 1, structure 50). Hence, claims are anticipated by Aoki.

Referring to claims 11 and 26: Aoki's disclosure is stated above. The portions of the Aoki's circuits with transmitting function are the claimed first circuits, and the portions of the Aoki's circuits with receiving function are the claimed second circuits.

Referring to claims 61, 66, 71: Aoki's disclosure is stated above; furthermore, the software program (stored in figure 2, structure 9) in Aoki's system executing the signal transmitting and receiving is the instruction in the preamble.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 2-3, 7-8, 12-13, 17-18, 22-23, 27-28, 32-33, 37-38, 42-43, 47-48, 52-53, 57-58, 62-63, 67-68, and 72-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of the Aoki and Dunn et al. (U.S. Patent No. 5,274,772) or Aoki and "IEEE Standard 1394 Serial Bus" by Lee, Chang-Han: It discloses common practice of the 1394 packet format.

Referring to claims 2-3, 7-8, 12-13, 17-18, 22-23, 27-28, 32-33, 37-38, 42-43, 47-48, 52-53, 57-58, 62-63, 67-68, and 72-73: Aoki's disclosure is stated above, but Aoki does not explicitly disclose the tag information and control information. Dunn and Lee teach the packet format. Dunn discloses the packet format with the physical location of the data (column 3, lines 49-54), which is the tag command; Dunn discloses facilitating the successive packet header (column 4, lines 42-44), which is the control information. Hence, it would have been obvious to

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one having ordinary skill in the computer art to adapt Dunn's teaching on packet format to Aoki because Dunn enables one to maintain data integrity in packet transmitting and to provide an enhanced recording format without software intervention.

6. Claims 4-5, 9-10, 14-15, 19-20, 24-25, 29-30, 34-35, 39-40, 44-45, 49-50, 54-55, 59-60, 64-65, 69-70, 74-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of the Aoki and Dunn.

Referring to claims 4, 9, 14, 19, 24, 29, 34, 39, 44, 49, 54, 59, 64, 69, and 74: Dunn discloses that the host processor sends a command to disable/reset the autoblocking (column 8, lines 16), which is the claimed reset command.

Referring to claims 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70, and 75: Dunn discloses the size information (column 4, lines 5-6).

### ***Response to Arguments***

7. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Furthermore, Dunn teaches that it is desired to provide an

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enhanced recording format without software intervention and to provide for different length records to be recorded on the same media without intervention (column 1, lines 55-60).

8. In response to Applicant's argument that Aoki does not disclose the media gate circuit (Remark, page 21, last paragraph): Applicant argues that the claimed media gate circuit is capable of replacing conventional read and write gate control, locating the particular sectors, and controlling the data transfer (Remark, page 22, first paragraph); however, none of the argued limitations in the remark is in the claim language. The claim language is interpreted as broad as possible, which the media gate circuit is the structure controlling the data transmitting and receiving. Aoki's CPU (figures 1-2, structure 8) controls the data transmitting and receiving (column 3, lines 51-54, and figure 4's procedure). Hence, Aoki's CPU reads on the media gate circuit.

9. In response to Applicant's argument that the claimed media gate circuit supports the read and/or write latencies, and the Aoki's CPU is involved with monitoring the write buffer and adjusting the storage size to reduce latency (Remark, page 22, paragraph 2, page 25, paragraph 1): The argued limitation is not in the claim limitations. Furthermore, generating latency is known in the art and disclosed by Dahlerud (U.S. Patent No. 5,235,683) as the "wait" operation.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

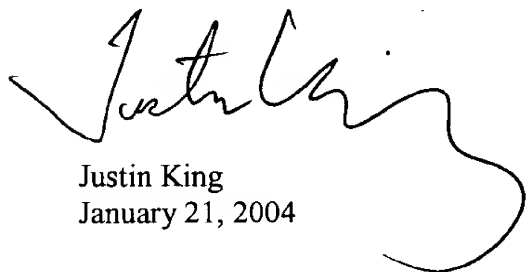
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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin King whose telephone number is (703) 305-4571. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephones are unsuccessfully, the examiner's supervisor, Mark Reinhart can be reached at (703) 308-3110.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703)-306-5631.



Justin King  
January 21, 2004



XUAN M. THAI  
PRIMARY EXAMINER  
TC2100